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# PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 061608-0220

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On June 8, 2006

Signature: Charles J. Schreck

Typed or printed name: Charles J. Schreck

| Application Number | Filed |
|---|---|
| 10/036182 | 12/28/2001 |

First Named Inventor: Mika H. Laaksonen

| Art Unit | Examiner |
|---|---|
| 2616 | Jones, Heather R. |

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

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Registration number if acting under 37 CFR 1.34

June 8, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Attorney Docket No. 061608-0220

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

| | |
|---|---|
| Applicant: | Mika H. Laaksonen |
| Title: | PROCESSING IMAGES OR AUDIO REPRESENTATION |
| Appl. No.: | 10/036,182 |
| Filing Date: | 12/28/2001 |
| Examiner: | Jones, Heather R. |
| Art Unit: | 2616 |
| Confirmation Number: | 4864 |

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EV 424658963 US (Express Mail Label Number) June 8, 2006 (Date of Deposit)

Charles J. Schreck (Printed Name)

Charles J. Schreck (Signature)

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

**REMARKS**

In the Final Office Action dated March 8, 2006, the Examiner rejected claims 1-24 and 26-29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,650,365, issued to Sato. The Examiner also rejected claim 25 under 35 U.S.C. §103(a) as being unpatentable over the Sato reference, and claim 30 based upon the Sato reference in view of U.S. patent No. 6,510,520, issued to Steinberg. Appellant submits that the Examiner's rejections are improper.

In the March 8, 2006 Office Action, the Examiner took the position that the Sato reference discloses a storage mechanism for including information regarding adjustments that

have been made to an image or audio representation after the underlying image or audio data was input, i.e. saved into the storage mechanism. Appellant disagrees with this position. The Sato reference discloses a processing method which involve having image data captured or stored and adjusted, after which the adjusted image data and the adjustments are stored in a memory card. In other words, when the image file in the memory card is renewed in order to reflect the additional corrections which have been made, the image data prior to the correction is overwritten in order to reflect the additional corrections which have been made. Accordingly, at any given moment, the data unit comprises (1) the currently corrected image data and (2) the current adjustment data, the adjustments having been performed prior to saving the currently corrected image data.

The present invention as described in the pending claims, on the other hand, describes an entirely different method than the methods discussed in the Sato reference. In the pending claims, the saved information relates to adjustments that have been made to the image or audio representation after the unmodified data was saved in the memory card. As a result, the original image is preserved while, at the same time, adjustment information is also saved for later use. This arrangement directly address the issues discussed, for example, at page 3, lines 16-31 of the present application:

> An unwanted side effect of the editing processes is that the quality of the image may be reduced. For example, if an image is edited and stored successive times the quality of image may be reduced in each editing cycle comprising decompression 20 compression and storing. This is caused by the possibility of loosing [sic] information during the image compression stages, especially if a lossy compression algorithm is used.
>
> Thus the visual quality of the image may be reduced every time the image is fetched from, decompressed, compressed and stored again in the image data file. Since the decompression-compression cycle typically happens every time the image data is processed, the visual quality of the image may get progressively worse each time an image is subjected to modifications. The image may start gradually look worse and/or it starts include artifacts.

The present invention addresses these issues by preserving adjustment information only after the original image or audio item has been saved. As a result, the original base image is always used as a starting point and the saved adjustment information is used to adjust the original base image when it is later accessed. This completely addresses the degradation issues discussed above.

The Examiner has apparently taken the position that the corrections discussed in the Sato reference constitute adjustments that have been made after the originally adjusted image data has been stored in a memory card. However, this position ignores the fact that, in the Sato reference, when the image file in the memory card is renewed in order to reflect the additional corrections which have been made, the image data is also renewed in order to reflect the additional corrections which have been made. Accordingly, at any one time, the data unit only comprises the currently corrected image data and the current adjustment data, with the adjustments having been performed on the image prior to saving the currently corrected image data and current adjustment data in the memory card. In the Sato reference, the original image data is replaced with the data for the corrected image. As a result, the Sato reference completely fails to address the problems discussed above, as the image is repeatedly saved and resaved after editing, causing the gradual reduction in image quality that the present invention seeks to address.

In contrast, the present invention as described in the pending claims maintains the original image (or audio item), preventing this gradual reduction in quality from occurring. As such, there is absolutely no disclosure or suggestion in the Sato reference of a data unit which comprises image data and information regarding adjustments that have been made after said image data was input in the data unit.

Because the Sato reference fails to teach a system where information regarding adjustments that have been made to an image or audio representation is stored after the underlying image or audio data was input (i.e., stored), Appellant submits that the Examiner's rejection of claims 1-29 is wholly improper. Additionally, because the Steinberg also fails to disclose this feature (and the Examiner has failed to allege that the Steinberg reference

teaches this feature), Appellant submits that the Examiner's rejection of claim 30 based upon the Sato and Steinberg reference is also improper.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

Date June 8, 2006

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